IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.387 OF 2006

Mr.Ambadas N. Nangude : Applicant.

versus

The State of Maharashtra : Respondent.

Mr.M.K.Kocharekar with Mr.Rajeev Sawant i/by Rajeev Sawant & Associates for the applicant.
Miss.Rajeshree Gadhavi, APP, for the State.

CORAM : V.M.KANADE, J.

DATED : 10th February 2006.

ORAL ORDER

1. Heard learned counsel appearing for the applicant and learned APP for the State. The applicant was arrested in connection with C.R.No.261 of 2005 which was registered by Ville Parle Police Station for the offences punishable under Sections 498 (A)(B), 306, 323, 504 r/w 34 of the Indian Penal Code. It is alleged that the

wife of the applicant committed suicide on account of physical and mental torture which was given by the applicant and his mother and sister. The learned counsel appearing for the applicant submits that a charge sheet has been filed and that no useful purpose will be served in detaining the applicant in custody. The trial is not completed. He invited by attention to the dying declaration of the deceased which is recorded by the SEM. He submits that there are discrepancies in the four dying declarations and, therefore, reliance could not be placed on any of these dying declarations. He further submits that the deceased had sustained 98% burn injuries and, therefore, she could not have been in a position to make any statement to the police. This submission of the learned counsel appearing for the applicant cannot be accepted because the dying declaration has been endorsed by the Medical Officer and the SEM has also signed this dying declaration. A perusal of the dying declaration discloses that the deceased had stated in clear terms that the applicant and his mother and sister had harassed the deceased and, therefore, she had no other option but to commit suicide. Statement of neighbour also indicates

that 1st wife of the applicant left matrimonial house on account of cruel treatment by the applicant. He has also stated that the deceased was also harassed and tortured by the applicant and his parents. Therefore, in my view, this is not a fit case for grant of bail. Charge sheet has been filed and the case has already been committed to the Court of Sessions. In the result, the application for bail is rejected. However, if the trial is not over within a reasonable period of time or within a period of six months, liberty is granted to the applicant to file a fresh application for bail.

[V.M.KANADE,J]